

REMARKS

Reconsideration is requested.

Claims 2-5 and 7 have been canceled, without prejudice. Claims 1, 6 and 8-10 are pending. Claim 9 has been withdrawn from consideration.

Claim 1 has been revised to include the details of claims 3-5, and as described for example on page 7, lines 14 – 15 (pH 2.5 or less), Sample 2 in table 2 on page 9 (concentration of bioadhesive polyphenolic protein of 18 mg/ml), and page 7, lines 7-8 (concentration of bioadhesive polyphenolic protein of 100 mg/ml). No new matter has been added.

A new Power and Change of Address was filed in favor of the undersigned on September 20, 2006. A further Change of Correspondence Address Form is attached to confirm that future correspondence in the above is to be addressed to the address associated with Customer No. 23117.

The specification has been amended to include the attached Sequence Listing and associated sequence identifiers. The attached paper and computer readable copies of the Sequence Listing are the same. No new matter has been added.

The Section 112, second paragraph, rejection of claims 1-8 and 10 is obviated by the above amendments. Withdrawal of the rejection is requested.

The Section 103 rejection of claim 1-8 and 10 over WO01/44401 in view of Burzio (U.S. Patent No. 5,410,023) is traversed. Reconsideration and withdrawal of the rejection is requested in view of the following distinguishing comments.

The Applicants believe that it would not have been obvious to a person of ordinary skill in the art having knowledge about both WO 01/44401 and Burzio to have made the presently claimed invention.

Specifically, WO 01/44401 is understood to teach that further components are needed in addition to dissolved bioadhesive polyphenolic protein. Such mandatory components are polymers comprising carbohydrate groups and, in order to get the best results, an oxidation agent. It is furthermore clear from the examples that the formation of adhesive bonds occurs at a neutral to mildly alkaline pH, such as a pH of 7.5 – 9.5.

Burzio is understood to disclose storing of a specific bioadhesive polyphenolic protein in stock solutions having a concentration below 10 mg/ml. According to Burzio, col 2, lines 66 – 68, it is essential to store the protein in solutions having a concentration less than 10 mg/ml in order to avoid undesirable gel formation. The pH of the stock solution is 3. The stock solution is diluted with a neutral to alkaline buffer before use (see Burzio, col. 3, lines 4 – 9). Burzio does not disclose the actual glueing but the patent is understood to refer to U.S. Patent No. 4,585,585 (Waite) in this regard. The adhesive of Waite includes a tyrosinase as a mandatory oxidation agent for initiating the adhesive process.

Starting from WO 01/44401, the ordinarily skilled person consulting Burzio would thus not have found any reason for removing key components of the adhesive composition of WO 01/44401 and such ordinarily skilled person would not have increased the concentration of bioadhesive polyphenolic protein, nor reduced the pH to the level of the claimed invention.

Withdrawal of the Section 103 rejection is requested.

QVIST

Appl. No. 10/520,023

October 5, 2006

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned in the event anything further is required in this regard.

Respectfully submitted,

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